

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 XOOM CORPORATION, a California
4 corporation,

5 Plaintiff,

6 vs.

7 MOTOROLA TRADEMARK
8 HOLDINGS, LLC, a Delaware limited
9 liability company, MOTOROLA
10 MOBILITY, INC., a Delaware corporation,
11 and MOTOROLA MOBILITY
12 HOLDINGS, INC., a Delaware
13 corporation, and DOES 1 through 10
14 inclusive,

15 Defendants.

Case No. 11-CV-00848 (CRB)

**STIPULATION AND ~~PROPOSED~~
ORDER AMENDING SCHEDULING
ORDER**

16 Pursuant to the Northern District of California Local Rules 6-2 and 7-12, the parties, Plaintiff
17 Xoom Corporation ("Plaintiff") and Defendants Motorola Trademark Holdings, LLC, Motorola
18 Mobility, Inc. and Motorola Mobility Holdings, Inc. (collectively, "Defendants"), hereby stipulate
19 that good cause exists to request an order extending the fact discovery deadline set forth in the
20 parties' December 9, 2011 Joint Case Management Conference Statement, adopted by the Court on
21 December 16, 2011 in this case, by ninety (90) days, to October 1, 2012, with a commensurate
22 ninety (90) day extension of all of the subsequent dates and deadlines. Specifically, the parties state
23 that:

24 1. Plaintiff's complaint against Defendants in this case arises under the Lanham Act, 15
25 U.S.C. §§ 1114(1) and 1125(a)(1) for trademark infringement and unfair competition, as well as
26 California statutory and common law.

27 2. Pursuant to this Court's Order referring the case to mediation, the parties participated
28 in a mediation in San Francisco on March 9, 2012, in an attempt to resolve their dispute amicably
and before the parties spent additional time and effort on litigation. The parties did not resolve their
dispute on March 9, 2012.

1 3. Since the time of the mediation, the parties have continued to discuss settlement, and
2 have been serving and responding to initial rounds of written fact discovery. The parties now are
3 exchanging voluminous documents responsive to document requests, and they have been preparing
4 and propounding follow-up requests for documents and interrogatories.

5 4. The parties also are in the process of identifying key witnesses based on the discovery
6 requests served, and scheduling depositions of individuals residing in California and Illinois.

7 5. The parties have given serious consideration to the tasks necessary in order to
8 continue in their efforts to complete all fact discovery in this case, and have agreed that a ninety (90)
9 day extension of the fact discovery deadline is necessary.

10 6. The parties have not sought any extensions of time in this case to date.

11 7. The parties do not seek this extension for the purpose of delay. The limited
12 modification to the scheduling order will not have an effect on any pre-trial and trial dates as the
13 Court has yet to schedule these dates.

14 WHEREFORE, the parties respectfully request that this Honorable Court issue an order
15 granting the parties an extension of time--until October 1, 2012--to complete discovery, and a ninety
16 (90) day commensurate extension of all of the subsequent dates and deadlines in this case as set forth
17 in the attached [Proposed] Order.

18 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

19
20 Date: June 8, 2012

 Date: June 8, 2012

21 PLAINTIFF XOOM CORPORATION

DEFENDANTS MOTOROLA TRADEMARK
HOLDINGS, LLC, MOTOROLA MOBILITY,
22 INC., and MOTOROLA MOBILITY HOLDINGS,
INC.

23
24 By: /s/ Leigha E. Weinberg
25 One of its attorneys

By: /s/ Cathay Y. N. Smith
One of their attorneys

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~~PROPOSED~~ ORDER

This matter having been brought before the Court pursuant to Plaintiff Xoom Corporation and Defendants Motorola Trademark Holdings, LLC, Motorola Mobility, Inc. and Motorola Mobility Holdings, Inc.'s Stipulation and [Proposed] Order Amending Scheduling Order;

It is hereby ORDERED that fact discovery is extended through October 1, 2012. The dates and deadlines adopted by the Court in its Order dated December 16, 2011 are hereby amended and extended as set forth in the schedule below:

EVENT	DATES PER DECEMBER 19 ORDER	[PROPOSED] DATES
Fact Discovery Deadline	July 1, 2012	October 1, 2012
Deadline for Expert Reports	July 31, 2012	October 31, 2012
Deadline for Rebuttal Reports	September 4, 2012	December 4, 2012
Expert Discovery Deadline	October 4, 2012	January 4, 2013
Dispositive Motions Filed	October 29, 2012	January 29, 2013
Pretrial Conference and Trial	To be set by Court after consideration of dispositive motion	To be set by Court after consideration of dispositive motion

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 12, 2012

HON. CHARLES R. BREYER
UNITED STATES DISTRICT COURT

